## REMARKS

Reconsideration and removal of the grounds for rejection are respectfully requested. Claims 14-28 were in the application, claims 14-17 were previously withdrawn, and claim 18 has been amended.

Claim 18 has been amended as to form, to correct and clarify the term "second enclosing" in the fifth paragraph to read more properly as "second enclosing chamber". Entry is proper in accordance with MPEP 714.12:

"Any amendment that will place the application either in condition for allowance or in better form for appeal may be entered. Also, amendments filed after a final rejection, but before or on the date of filing an appeal, complying with objections or requirements as to form are to be permitted after final action in accordance with 37 CFR 1.116(b)"

Claims 18-28 were rejected as being obvious over Monti, U. S. Patent 6,675,555 in view of Young, U.S. Patent 5,912,184.

The applicant wishes to stress to the Examiner the following features of the invention, which make it different from the prior art:.

1) the second enclosing chamber is always kept at a pressure equal to the outer environment (atmospheric pressure); and, .

2) the invention requires suction means for withdrawing air from an inside of the second chamber, to keep it at a pressure substantially constant and equal to the atmospheric pressure.

Claim 18 is directed to an enclosing structure for a packaging machine which includes, among other thing, enclosing panel shaped means assembled to form at least two enclosing chambers for protecting each of two work portions, a first enclosing chamber enclosing a pressurized environment, and a second enclosing chamber enclosing an environment with a pressure equal to the outside pressure, and, suction means for withdrawing air from inside the second enclosing chamber to maintain the pressure inside the second enclosing chamber substantially constant and equal to the outer surrounding environment pressure, i.e., atmospheric pressure.

The Examiner states that Monti modified by Young discloses "a second enclosing chamber enclosing an environment with a pressure equal to the outside pressure (col. 3 lines 48-49 - it is construed that as the access windows are opened in the process area, the pressure inside the room is equal to the outside pressure)."

In this belief, the Examiner is wrong, as he is contradicting the disclosure in Young. Young discloses an input/output area 11 (which hypothetically may be considered as an enclosing chamber) and a processing chamber/process area (which hypothetically may be considered as a second enclosing chamber). Both the input/output area 11 and the processing chamber operate under positive pressure conditions, i.e. at a pressure above the atmospheric pressure. This is clear from the description, col. 3 lines 19-24 and the table in col. 7, as well as from the drawings, Fig. 2A.

It is pointed out that the pressure inside the processing chamber is equal to the outside pressure only during maintenance (col. 3, lines 48-49) or equipment downtime.

Furthermore, the Examiner states that Young discloses "suction means (18) to take the air out of the chambers to maintain substantially constant pressure inside said second enclosing chamber (col. 3 lines 19-26), see page 4, lines 2-3 of the Office Action).

Again the Examiner appears to be wrong.

Young discloses an exhaust manifold with a two-position exhaust valve 50, which can be motorized to be automatically controlled by a computer 36 (col. 6 lines 25-45). Air exits the processing chamber by virtue of a positive pressure in the processing chamber with respect to the outside pressure (see Figure 2A), more specifically, an exhaust manifold has a two-position valve 50, to vent off some of the excess pressure, but not to negate the positive pressure provided. An exhaust valve cannot meet the limitation for "suction means", and no suction means are in fact taught by Young to be provided for taking air out of a second enclosing chamber.

In view of the above, even combining the teaching of Monti and the teaching of Young, a person of ordinary skill would not be led to arrive at the invention as claimed, but in fact be led away from the invention, that is, to provide positive pressure within both enclosure areas.

As the examiner recognized, Monti does not disclose a pressurized chamber, the Examiner believing that simply combining the pressurized chamber of Young with the packaging machine of Monti arrives at the present invention. However, this is incorrect, as two chambers are required according to the applicants' invention, and each surrounds different portions of the packaging machine, some portions being within a pressurized chamber and other portions enclosed yet maintained at ambient pressure conditions by suction means not found within the cited combination.

More is thus required for one skilled in the art, looking at the cited references, to arrive at the invention of applicants' claim 18, as one skilled in the art would find nothing to lead him to the two chambers of the applicants' invention, arranged over different portions of the packaging machine, and each at different pressures. According to the applicants invention, air flows into the first enclosure, which is maintained at a pressure above the outside pressure, some air exiting to the outside through passages, while other air enters the second chamber, which is maintained at a constant pressure equal to the outside pressure by suction means.

In conducting an obviousness analysis, "[a] fact finder should be aware . . . of the distortion caused by hindsight bias and must be cautious of arguments reliant upon ex post reasoning." KSR Int'l Co. v. Teleflex Inc., 127 S.Ct. 1727, 1742, 167 L. Ed. 2d 705 (2007). This is because the genius of invention is often a combination of known elements that in hindsight seems preordained. In re Omeprazole Patent Litig., No. MDL 1291, 490 F. Supp. 2d 381, 2007 U.S. Dist. LEXIS 39670, at 400-01 (S.D.N.Y. May 31, 2007) (citation omitted) (quoting KSR, 127 S.Ct at 1742); see also Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1138 (Fed. Cir. 1985), Raytheon Co. v. Roper Corp., 724 F.2d 951, 961 (Fed. Cir. 1983) (stating that "virtually every claimed invention is a combination of old elements").

The Court in KSR also wrote, "[r]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." KSR Int'l Co. v. Teleflex Inc., 127 S.Ct. 1727, 1741, 167 L. Ed. 2d 705 (2007) ("To facilitate review,

this analysis should be made explicit.") (citing Kahn, 441 F.3d at 988... "there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006).

If the prior art teaches away from combining known elements in the manner claimed by the invention at issue, discovering a successful way to combine them is less likely to be obvious. See KSR Int'l, 127 S. Ct. at 1740, 1745.

The KSR decision, while instructive, is readily distinguishable from the facts here. Most importantly, more than a combination of known elements is involved, as independent claim 18 includes elements not found in the prior art. As to those elements, the examiner relied on hindsight, as well as mere conclusory statements, to allege the claimed invention was obvious.

Based on the above amendments and remarks, favorable consideration and allowance of the application are respectfully requested. However should the examiner believe that direct contact with the applicant's attorney would advance the prosecution of the application, the examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,

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